

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

	x	
	:	
RYAN KLEBBA, on behalf of himself and	:	
others similarly situated,	:	
	:	
Plaintiff,	:	Case No. 1:18-cv-00438
	:	
v.	:	
	:	
NETGEAR, INC.,	:	
	:	
Defendant.	:	
	x	

**JOINT STATUS REPORT REGARDING MEDIATION PROCEEDINGS**

In its February 2, 2020 Order, this Court scheduled a telephone conference for April 1, 2020, stayed all pending deadlines until that date per the parties’ request, and ordered that the parties file a joint status report regarding their efforts to mediate this matter on or before March 30, 2020. ECF No. 42.

On March 17, 2020, a case manager for Mediator Bruce Friedman notified the parties that in light of the COVID-19 pandemic all JAMS mediations would be conducted remotely through at least April 6, 2020. The case manager said the parties could either proceed by videoconference on March 26, 2020 or reschedule the mediation “at the earliest possible mutually convenient date.”

Later on March 17, 2020, Defendant proposed that the parties reschedule the mediation so that it could occur in person, and asked whether Plaintiff would agree to stay this matter until the parties could conduct an in-person mediation. Plaintiff stated that he was willing to mediate by videoconference on the date scheduled, and that he was not willing to indefinitely stay this matter pending the parties’ ability to mediate in person.

On March 19, 2020, Defendant proposed rescheduling the mediation for mid-April and committed to conducting the mediation by videoconference if the parties remain unable to travel.

On March 23, 2020, the parties agreed to reschedule the mediation for April 17, 2020, to be conducted in person if possible or by videoconference if travel restrictions remain in place.

On March 25, 2020, this Court issued an Emergency Order in Light of the COVID-19 Pandemic, ordering that proposed scheduling orders in early-stage cases need not be filed until May 1, 2020. ECF No. 43.

On March 26, 2020, this Court issued an Order Cancelling Telephone Conference, through which it canceled the upcoming April 1, 2020 telephone conference. ECF No. 44.

Accordingly, the parties respectfully propose that they submit a joint status report regarding the April 17, 2020 mediation on or before April 24, 2020, and request that this Court reschedule the April 1, 2020 telephone conference to a date shortly after May 1, 2020 and extend the stay of proceedings (including continuing to toll the deadline for Defendant to submit a Motion to Vacate the Arbitrator's Order) to the date of the telephone conference.

The parties additionally reconfirm their previous agreement that in the event they are unable to resolve this matter through mediation proceedings now scheduled for April 17, 2020 litigation should restart in this Court shortly thereafter, and that no party will seek to stay proceedings in this Court following an unsuccessful attempt to resolve this matter through mediation proceedings scheduled for April 17, 2020.

Dated: March 30, 2020

Respectfully submitted,

/s/ Aaron D. Radbil

Aaron D. Radbil  
Greenwald Davidson Radbil PLLC  
401 Congress Ave., Ste. 1540  
Austin, TX 78701  
Tel: (512) 803-1578  
Fax: (561) 961-5684  
aradbil@gdrlawfirm.com

Alexander D. Kruzyk (*pro hac vice*)  
Greenwald Davidson Radbil PLLC  
7601 N. Federal Highway, Suite A-230  
Boca Raton, FL 33487  
Tel: (561) 826-5477  
Fax: (561) 961-5684  
akruzyk@gdrlawfirm.com

*Counsel for Plaintiff and the proposed classes*

Lee L. Kaplan  
Texas Bar No. 11094400  
Razvan Ungureanu  
Texas Bar No. 24085630  
SMYSER KAPLAN & VESELKA, L.L.P.  
700 Louisiana Street, Suite 2300  
Houston, Texas 77002  
Telephone: (713) 221-2300  
Facsimile: (713) 221-2320  
lkaplan@skv.com  
rungureanu@skv.com

Quyen L. Ta (*pro hac vice*)  
California Bar No. 229956  
BOIES SCHILLER FLEXNER LLP  
44 Montgomery St., 41st Floor  
San Francisco, CA 94104  
Telephone: (415) 293-6800  
Facsimile: (415) 293-6899  
qta@bsflp.com

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I certify that on March 30, 2020, I filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send electronic notice to all counsel of record.

/s/ Aaron D. Radbil  
Aaron D. Radbil